

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ROBERT DALLEY,

Plaintiff,

v.

RANDOLPH BROOKS FEDERAL
CREDIT UNION,

Defendant.

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1:24-CV-322-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Dustin Howell concerning Plaintiff Robert Dalley's ("Plaintiff") "Petition for Default Judgment"¹ pursuant to 28 U.S.C. § 1915(e). (R. & R., Dkt. 4). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Howell issued his report and recommendation on June 17, 2024. (*Id.*).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Plaintiff did not object to the report and recommendation from United States Magistrate Judge within 14 days of its issuance. In a letter to the Court dated August 12, 2024, Plaintiff said he did not receive a copy of the report and recommendation from the United States Magistrate Judge. (Dkt. 10). In August 28, 2024, the Court, in its discretion, reopened the case to allow Plaintiff to file objections on or before September 18, 2024. (Dkt. 11). Plaintiff filed his objections on September 18, 2024. (Dkt. 14).

¹ As the report and recommendation explains, Plaintiff filed a "Petition for Default Judgment" rather than a complaint as his initial filing in this matter. (R.&R., Dkt. 4, at 2).

Because Plaintiff objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order. Having reviewed Plaintiff's objection, the Court finds he has not met the requirements of Federal Rule of Civil Procedure 4 (governing service in a federal court action) and Federal Rule of Civil Procedure 55 (governing entries of default judgment).

Accordingly, the Court **ORDERS** that the report and recommendation of the United States Magistrate Judge, (Dkt. 4), is **ADOPTED**. Plaintiff's "Petition for Default Judgment," (Dkt. 1), is **DENIED**.

The Court will enter final judgment by separate order.

SIGNED on October 18, 2024.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE